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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,287	12/16/2003	James A. Smith	WATCH-6	6534

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Connolly Bove Lodge & Hutz LLP  
P.O. Box 2207  
Wilmington, DE 19899-2207

EXAMINER
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GUIDOTTI, LAURA COLE

ART UNIT	PAPER NUMBER
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3723

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10/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/737,287	<b>Applicant(s)</b> SMITH ET AL.	
	<b>Examiner</b> Laura C. Guidotti	<b>Art Unit</b> 3723	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 0207.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 9, 10 and 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-17 and 21-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 9-10 and 18-20 are withdrawn from further consideration pursuant to 37 CFR.1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 05 February 2007.

It is noted that the claim status identifiers of each of claims 9-10 and 18-20 state "(original)" however, this is improper and non-compliant. The claim status identifiers of each of these claims should be "(withdrawn)".

### *Claim Rejections - 35 USC § 102*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-2, 4-7, 11, 13-17, 21, and 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Gougeon, US 2,293,461.

Gougeon discloses the claimed invention including a flexible cover (29), the cover in its flat unassembled condition having a first end and a second end (see Figure 5, first and second ends are ends of 31 and 33), a continuous intermediate section between the first end and second end (at 32), the second end terminating in a U-shaped outer edge (as cut 10, including 11 allows the second end to be configured into a U-shape, nearly shat is shown in the hashed lines of Figure 1) being bifurcated to create a pair of spaced outwardly extending flaps with an open area between the flaps (12 with the open area at 10) with said flaps thereby being spaced apart and out of contact with

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each other (as they are capable of being, as shown in Figure 1, spaced by cut 10), the cover having an inner surface and an outer surface (see Figures), the intermediate section including a central section between the first end and second end (also at 32, see Figures), fastening structure non-detachably on the inner surface of the flaps (13; Page 1 Column 2 Lines 52-54 the stitching is capable of being non-detachable), complementary fastening structure non-detachably on the outer surface of the first end (the fastening structure being the end of 13 itself, is capable of being non-detachable if it is never removed), the fastening structure and the complementary fastening structure being located for engagement to form a closed loop around the cleaning head with the flaps being outwardly of and secured to the first end whereby the open area between the flaps is adapted to accommodate a handle extending outwardly from the cleaning head (see Figures 1-2), the loop having a top and a bottom (see Figures), the central section being at the bottom of the loop remote from the secured first end and flaps at the top of the loop (see Figures), the intermediate section having a first contact portion on one side of the loop adjacent to the central section (near point 21 as shown in Figure 2), the intermediate section having a second contact portion on an opposite side of the loop adjacent to the central section (also near opposing point 21 as shown in Figure 2), each of the first contact portion and second contact portion being made of absorbent material to provide a cleaning area (as material 17, 18 is capable of being absorbent; Page 2 Column 1 Line 3). Regarding claim 2, there is dispensing structure in the cleaning area of at least one side of the loop (17, 18). Regarding claim 4, the central section is made of absorbent material whereby the contact portions are integral with

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each other to form a single continuous area (17, 18; see Figure 2), the dispensing structure being a pad (17, 18) mounted to the cover in the continuous cleaning area (see Figure 2), the pad containing an added ingredient (as it is capable of containing oil when cleaning or polishing Page 2 Column 1 Lines 2-5). Regarding claim 5, the pad is located against the inner surface of the loop (as it is stitched, Figure 2) with the cover disposed outwardly of the pad (outwardly in an upwards direction, or alternatively one is capable of reversing the way the cover is mounted), and the pad extending from one side of the loop to the opposite side of the loop across the central section (see Figures). Regarding claim 6, the pad is located against the outer surface of the outside of the loop (see Figure 2), the pad extending from one side of the loop to the opposite side of the loop across the central section (see Figures). Regarding claim 7, the pad is located on one side of the loop and does not extend to an opposite side of the loop whereby the cleaning area on the opposite side of the loop may function as a wipe with the combined thickness of the pad and the loop on the one side being greater than on the opposite side (see Figures, "one side" being defined prior to one edge of the pad). Regarding claims 11 and 21, the intermediate section has side edges (29) whereby the loop has two sets of side edges (see Figures), and each of the sets of side edges having supplemental fastening structure (24; Page 1 Column 2 Lines 45-51). Regarding claims 13 and 24, there is a cleaning implement having a cleaning head (broom head, Page 1 Column 2 Line 6) and handle (broom handle, shown in Figures), and the cover being mounted around the head with the handle extending outwardly from the cleaning head through the open area between the flaps (see Figures 1-2). Regarding claim 14, the

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device additionally includes reusable mounting structure on the outer surface on a first side wall (21) and further reusable mounting structure on the outer surface of the cover (23), and the central section being at the bottom of the loop remote from the secured first end and flaps at the top of the loop (see Figures), the reusable mounting structure (the reusable mounting structure is stitching in this case) exposed at the outer surface to detachably mount a detached wipe (17) at the first sidewall of the loop (and the stitching is capable to detachably mount something, as it can be detached easily by pulling or cutting the stitching). Regarding claim 16, the mounting structure is on the central area (at 23) whereby a wipe may be mounted to the cover on the first wall extending to a central section (see Figures). Regarding claim 17, the further reusable mounting structure is on the outer surface of the second wall (also 21) whereby a wipe may be mounted to the cover to both of the walls and across the central section (see Figure 2). Regarding claim 23, there is a wipe detachably mounted to the reusable mounting structure (17).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gougeon, US 2,293,461 in view of Haeusser, US 2,704,375.

Gougeon discloses all elements previously disclosed above further including that the cover is made of absorbent material to provide a single continuous cleaning area extending from one side of the loop to the opposite side of the loop (Column 2 Lines 1-5), however does not include that the cover is impregnated throughout with an added ingredient.

Haeusser teaches a mop duster (13) having a cover (16) that is impregnated throughout by a "chemical or material" to pick up dust and polish a surface being treated so that a user does not need to buy or store additional cleaning products (Column 2 Lines 47-53).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the absorbent material of Gougeon to be impregnated throughout by an added ingredient, as Haeusser teaches, so that it has a chemical or material that easily picks up dust or is capable of polishing a surface without the user having to provide for a separate treatment ingredient.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gougeon, US 2,293,461 in view of Granville et al., US 3,400,420.

Gougeon discloses all elements previously disclosed above, however does not disclose that the pad is a coating non-detachably mounted to the cover.

Granville et al. teach a mop (80), a disposable cover (60), and pad (20) wherein the pad is a coating non-detachably mounted to the cover (Column 3 Lines 35-37), the pad coating is made of a compound that is an active and effective bacteriostatic agent

so that the pad is able to kill germs and act as a "magnet" for dust (Column 3 Lines 37-46).

It would have been obvious for one of ordinary skill in the art at the time of the invention to substitute the pad of Gougeon for one that is a coating non-detachably mounted to the cover, as Granville et al. teach, so that additional compounds may be part of the coating into the material of the pad, the compounds including agents that are able to kill bacteria and attracting dust.

5. Claims 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gougeon, US 2,293,461 in view of Laske, US 5,358,107.

Gougeon discloses all elements previously disclosed above including that the intermediate section has side edges including two opposite sets of side edges (Figure 2), however does not disclose that one of the sets of side edges is longer than the other of the sets of side edges whereby the broom section is slanted to conform to a slanted shape of the cleaning implement.

Laske provides a teaching of a cover (10) that is flexible (Column 3 Lines 49-53) and recognizes that for brooms having slanted shapes (as shown in Figure 9) that some portions of the side edges must be longer than other portions in order to conform to the shape of the slanted cleaning implement. The cover itself when not in use (as shown in Figure 8a) appears to have side edges of the same length until it is flexed when placed onto a broom having the slanted shape, and then the lengths change in conformity (Figure 9).



It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the flexible cover of Gougeon so that it is in particular made from a material to allow one of the sets of side edges to be longer than the other of the sets of side edges when the broom section is slanted to conform to a slanted shape of the cleaning implement, as Laske teaches, so that a user can use the slanted shape of the cleaning implement to their advantage when cleaning narrow or hard to reach areas.

***Response to Arguments***

6. Applicant's arguments filed 30 July 2007 have been fully considered but they are not persuasive.

As previously stated above, Gougeon does in fact disclose that the second end of the cover terminates in a U-shaped outer edge so that it is bifurcated to create the pair of spaced outwardly extending flaps, as cut 10, including 11 allows the second end to be configured into a U-shape, nearly that is shown in the hashed lines of Figure 1. These flaps of Gougeon are in fact spaced apart by cut 10 and are out of contact with each other in the state shown by the hashed lines and are capable of being out of contact with each other. Also, the structure 13 while capable of being a separate element, can be stitched to the flaps (Column 2 Lines 51-53). With regards to the arguments made in view of claim 5, the cover of Gougeon is capable of being used inside-out from what is shown in Figure 2, in which case the cover would be disposed outwardly of the pad. Further, "outwardly" can also be interpreted to be the direction from which the cover extends from the pad, and in Figure 2 the cover is disposed in an outward direction from the pad. Thus Gougeon discloses all elements of claim 5. With

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regards to the arguments made in view of claim 7, the Applicant does not define where the "one side" is located. Gougeon can be interpreted so that the pad is only on one side of the loop, if the side is the bottom side where the pad is shown to be located in Figure 2.

### ***Response to Amendment***

7. The declaration under 37 CFR 1.132 filed 30 July 2007 is sufficient to overcome the rejection of claims 1-4, 13-14, 16, and 23-24 based upon US Pat Nos. 6,745,434 and 6,705,792.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 3723

lcg